

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

**MICHAEL DAVID SILLS and MARY
SILLS,**

Plaintiffs,

v.

**SOUTHERN BAPTIST CONVENTION, *et*
al.,**

Defendants.

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CIVIL ACTION NO.: 3-23-cv-00478

PLAINTIFFS' MOTION FOR PROTECTIVE ORDER

COME NOW Plaintiffs, by and through undersigned counsel, and respectfully submit the attached proposed Protective Order for this Court's consideration and as grounds for such offer the following:

1. Plaintiffs have brought claims of defamation and defamation per se; conspiracy; negligence, gross negligence, and wantonness; and intentional infliction of emotional distress against various defendants over their false and very public allegations of sexual abuse and/or sexual assault by Plaintiff David Sills. (Doc. 1).

2. Plaintiffs proposed a Protective Order to Defendants in order to facilitate the flow of discovery between the parties and from third-party subpoenas. Indeed, Plaintiffs' proposal reflects best practices long supported by the Manual For Complex Litigation ("Attention should be given at an early conference, preferably before discovery begins, to any need for procedures to accommodate claims of privilege or for protection of materials from discovery." Manual for Complex Litigation, Fourth, § 11.43; *See also, Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 30, 35 n.21 (1984)). (Although there is no privacy privilege, maintenance of privacy can be the ground

for a protective order.).

3. Given the subject matter inherent in these claims, Plaintiffs anticipate that some such discovery may involve sensitive personal information. Accordingly, Plaintiffs proposed a two-tiered approach to confidentiality, offering a “Confidential” designation and a “Highly Confidential-Attorney’s Eyes Only” designation for particularly sensitive materials.

4. As set out in the proposed Protective Order (attached hereto), confidentiality designations apply to the discovery phase only; pursuant to the Court’s Initial Case Management Order (Doc. 99), Subpart N, the proposed protective order also contains parameters for the use of such confidential documents in the litigation phase, including moving the Court for permission to file documents under seal where needed.

5. Plaintiffs have conferred with Defendants regarding the proposed Protective Order.

6. Defendants Southern Baptist Theological Seminary, Southern Baptist Convention, the Executive Committee of the SBC, Lifeway Christian Resources, Guidepost Solutions, LLC, SolutionPoint International, Inc., Bart Barber, Willie McLaurin, Rolland Slade, Dr. Albert Mohler, and Dr. Ed Litton all approve of and agree to entry of the proposed Protective Order.

7. Defendants Jennifer Lyell and Eric Geiger oppose the entry of the proposed Protective Order on the dual bases that (1) Lyell has filed an objection to the Magistrate’s Order denying a motion by certain defendants to stay the case pending resolution of Defendants’ motions to dismiss (*see* Docs. 124-126, 128); and (2) Lyell and Geiger object to the “Attorney’s Eyes Only” provision of the proposed Protective Order.

8. Neither Lyell nor Geiger are prejudiced by entry of the proposed Protective Order, and either can move for modification or other relief deemed appropriate.

In light of the foregoing, Plaintiffs move the Court to enter the accompanying proposed

Protective Order.

Dated: February 22, 2024

Respectfully submitted,

By: /s/ Katherine B. Riley
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CERTIFICATE OF SERVICE

I, Katherine B. Riley, an attorney, hereby certify that on February 22, 2024, I served the above and foregoing Plaintiffs' Motion for Protective Order, by causing a true and accurate copy of such papers to be filed and served on the below listed counsel of record via email:

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